

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA }  
 }  
v. }  
 }  
COREY DONOVAN }

**1:21-cr-0088-JL**

**COUNSEL’S REPLY TO ORDER ON DEFENDANT’S  
MOTION TO RETURN PROPERTY**

Now comes, Attorney Matthew Stachowske, former defense counsel to Corey Donovan and replies to this Court’s order<sup>1</sup> issued in response to Mr. Donovan’s Motion for Return of Property under Rule 41(g). Index #134 (dated December 19, 2024).

Undersigned counsel seeks clarification of this Court’s order instructing that defense counsel *shall* confer with *his client*. Undersigned counsel’s representation of Corey Donovan terminated following the jury’s verdict in this trial in October 2021. Corey Donovan has not been undersigned’s client for over 3 years. Successor counsel include, Patrick Richard, who has also since been terminated, and then Donna Brown, who handled the sentencing as well as an appeal. See recently published opinion, US v. Donovan, No. 23-1328 (1st Cir. 2024).

Second, Corey Donovan most recently filed an 18 USC § 2255 ineffective assistance of counsel claim against undersigned counsel. Index #135; see also 1:24-cv-00392-JL-TSM.

Given the allegations, there is an "irretrievable breakdown of an attorney-client relationship"- a

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<sup>1</sup> **ENDORSED ORDER as to Corey Donovan RE 134 MOTION for Return of Property. *Text of Order: Defense counsel (not the defendant) shall confer with his client and the defendant in an attempt to resolve the motion. Should no resolution be reached, defense counsel (not the defendant) should file a reply on or before January 17, 2025. So Ordered by Judge Joseph N. Laplante.***

complete and irreparable breakdown in trust and communication between a lawyer and this former client.

For these reasons, undersigned counsel is not in a position to seek reappoint to represent Corey Donovan nor is undersigned counsel in a position to speak with this former client regarding his complaints over alleged recorded attorney client phone calls. Undersigned counsel can also share that counsel does not have any of the purported recorded conversations he speaks of in his pleading.

#### Brief Recap of the Procedural History

For the Court's benefit, by way of background, on March 30, 2021, a Petition for violation of Supervised Release was filed and a warrant was issued for Corey Donovan's arrest. Mr. Donovan was arrested on April 15, 2021, and undersigned counsel was appointed on April 16, 2021. On May 17, 2021, Corey Donovan was indicted on one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and again undersigned counsel was appointed to represent this defendant. The indictment stems from a firearm found on the defendant's property. Specifically, it was found in his Jeep, strapped to a role bar covered with camo netting, during a search warrant of the property. Undersigned counsel represented Mr. Donovan through the jury's verdict of guilty rendered on October 15, 2021. Following the verdict, undersigned counsel was replaced by successor counsel. On October 19, 2021, Attorney Patrick Richard was appointed to represent Mr. Donovan through sentencing. On February 24, 2022, Mr. Donovan filed a Motion for Status of Counsel, and the Court ordered the appointment of new counsel without a hearing. On March 8, 2022, Attorney Donna Brown was appointed to represent Mr. Donovan through sentencing. On March 27, 2023, Mr. Donovan was sentenced to 110 months. On April 3, 2023, Mr. Donovan filed a Notice of Appeal that resulted in a published

opinion US v. Donovan, No. 23-1328 (1st Cir. 2024)(September 13, 2024) that can be found at Index 126 (affirming the trial court).

On November 11, 2024, Corey Donovan filed a 20 page “2255 Motion” claiming, inter alia, undersigned counsel was ineffective. Index #135.

### Conclusion

For all the reasons stated herein, undersigned counsel is not in a position to communicate with this former client regarding resolution of his request for return of property nor is counsel in possession of any purported recordings.

Respectfully submitted,

Date: January 10, 2025

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### CERTIFICATE OF SERVICE

I, Matthew G. Stachowske, hereby certify that I have mailed a copy of the within reply to Assistant United States Attorneys Charles Rombeau via the court’s ECF facilities on today’s date.

/s/ Matthew G. Stachowske